

REMARKS

Claims 1-15, 38 and 40-42 remain pending. Reconsideration of the application is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as anticipated by Vardi (WO99/36002). The Examiner asserts that the cited reference discloses a self-expanding stent configuration having a peaks in the central section that flare radially outwardly into an opening to a side branch vessel. Applicants respectfully traverse. While the stent described in the reference may be radially self-expanding as was pointed out by the Examiner, elements 38 shown in Fig. 7 "are opened by lateral deflection, typically using a balloon catheter, as illustrated in Fig. 8" (page 11, lines 20-23). There is no suggestion, let alone a description of a mechanism that would cause elements 38 to self deflect into an opening to a side branch vessel. As such, the reference does not suggest a structure having peaks that "flare radially outwardly" but rather, peaks that must **be** flared radially outwardly **by radial deflection**. It is respectfully submitted that anticipation is clearly avoided.

Furthermore, in view of the fact that the present invention provides for a very different approach for treating bifurcations, it is respectfully submitted that the difference between the structure that is taught in the cited reference and the structure that is presently being claimed as noted above effectively avoids obviousness. More particularly, the cited reference teaches an approach which requires the use of two separate stents to treat a bifurcation while the present invention does so with a single self-expanding structure. Moreover, elements 38 of the cited reference which are extended into the side branch are not intended for supporting the side branch, but rather, for anchoring the subsequently placed second stent (page 11, line 23-25) which is the relied upon for support. As such, it is respectfully submitted that obviousness is effectively avoided.

Claims 9, 10, 15, 38 and 40-42 were rejected under 35 U.S.C. § 103(a) as obvious over Vardi in view of Roubin (USPN 5,827,321). In view of the non-obviousness of the

underlying independent claim 1 as was set forth above, it is respectfully submitted that all claims depending therefrom similarly avoid obviousness.

With regard to the rejection of independent claim 38, it is respectfully submitted that while the claim clearly calls for the opening to be defined **between** the central section with rings having a peak count that differs from the peak count of the rings in the distal section, the primary reference clearly calls for the opening to be defined between rings **in** the central section with rings having identical peak counts. Moreover, the present invention provides for a very different approach for treating bifurcations. While the cited reference teaches an approach which requires the use of two separate stents to treat a bifurcation, the present invention does so with a single self-expanding structure. As such, it is respectfully submitted that independent claim 38 and all claims depending therefrom effectively avoid obviousness.

Claims 11-14 were rejected under 35 U.S.C. § 103(a) as obvious over Vardi in view of Roubin and further in view of Guruwaiya (USPN 6,251,136). In view of the non-obviousness of the underlying independent claim 1 as was set forth above, it is respectfully submitted that all claims depending therefrom similarly avoid obviousness.

In light of the above remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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